

REMARKS

This application has been reviewed in light of the final Office Action mailed on March 15, 2010. Claims 1, 4, 7-15, 18, 21-29, 32, and 35-42 are pending in the application with Claims 1, 15, and 29 being in independent form. By the present amendment, Claims 1, 15, and 29 have been amended. No new matter or issues are believed to be introduced by the amendments.

Claims 4, 18, and 32 were objected to. Independent Claims 1, 15, and 29 have been amended in a manner which is believed to obviate the objection. Accordingly, withdrawal of the objection for all the claims is respectfully requested.

Claims 1, 7-9, 11-13, 15, 21-23, 25-27, 29, 35-37, and 39-41 were rejected under 35 U.S.C. §102(e) as being anticipated by Mashinsky et al. (U.S. Application No. 2003/0050070).

Claim 1, as amended herein, recites, *inter alia*, as follows:

“...(a) a statistical configuration method of said radio RF resources based on a number of requests, previously recorded in memory or detected in real-time by a status detector, for accessing each of said different wireless communication schemes for calculating a traffic ratio...” (emphasis added)

Mashinsky fails to disclose and/or suggest “...(a) a statistical configuration method of said radio RF resources based on a number of requests, previously recorded in memory or detected in real-time by a status detector, for accessing each of said different wireless communication schemes for calculating a traffic ratio...,” as recited in amended independent Claim 1.

As best understood, Mashinsky relates to dynamic spectrum allocation and management in a wireless telephone/data system (page 1, paragraph [0002]). Also, Mashinsky maximizes the allocations of a device by using existing in-band control channels or out-of-band control channels for detecting a signal sent by all providers in an area and for storing pertinent information for

later use in an internal or external database. This information is used to select which network to access for the service. (Page 2, paragraph [0020]) Therefore, in Mashinsky, dynamic account allocation is achieved by pooling together spectrum and network availability, as well as congestion information, from different service providers in a central database and by the purchase of wholesale volume of network capacity or accounts with predetermined monthly usage (Abstract). The purchased network capacity is dynamically allocated to devices of different origin/ownership and the central system operator administrates the rebilling and reconciliation of any fractional usage to each device (Abstract).

In contrast, in the present disclosure, and specifically at paragraph [0031] of Applicants' published application (2006/0229079), it is stated that:

“resource allocator 80 dynamically allocates RF resources shared by said TSM and TD-SCDMA wireless communication schemes, according to the number of the requests for accessing each of the different wireless communication schemes **recorded by the memory in statistical configuration method, or according to the types of the wireless communication schemes detected by status detector 90** and the information on RF resources allocation stored in the memory; then processor 60 controls and adjusts the RF carriers in RF unit 40 according to instructions from resource allocator 80.” (emphasis added)

Therefore, the number of requests includes both past, as well as present requests.

Requests previously stored in memory, as well as requests made in real-time are included in the statistical configuration method. Mashinsky states that:

“This invention maximizes the allocations of a device within its own network, across multiple networks or as an unaffiliated user **with an on demand access request**. By using existing in-band control channels or out-of-band (not same providers) control channels, a multimode/SDR equipped wireless device according to the present invention can detect a signal sent by all providers in an area and store pertinent information for later use in an internal or external database (“DB”). This information is used to select which network to access for the service.” (emphasis added)

In other words, Mashinsky does not deal with previous requests stored in a memory, as does the present disclosure. Accordingly, Mashinsky does not disclose all the features recited by independent Claim 1. Therefore, the withdrawal of the rejection under 35 U.S.C. §102(e) with respect to Claim 1 and allowance thereof is respectfully requested.

Independent Claims 15 and 29 include similar limitations to those of Claim 1, and are allowable over the prior art of record for at least the same reasons presented above for the patentability of independent Claim 1. Accordingly, withdrawal of the rejection under 35 U.S.C. §102(e) with respect to Claims 15 and 29 and allowance thereof is respectfully requested.

Dependent Claims 7-9, 11-13, 21-23, 25-27, 35-37, and 39-41, are allowable over the prior art of record for at least the same reasons presented above for the patentability of independent Claims 1, 15, and 29. Further, dependent Claims 7-9, 11-13, 21-23, 25-27, 35-37, and 39-41 recite additional patentable features. Accordingly, the withdrawal of the rejection under 35 U.S.C. §102(e) with respect to dependent Claims 7-9, 11-13, 21-23, 25-27, 35-37, and 39-41, and allowance thereof are respectfully requested.

Claims 10, 14, 24, 28, 38, and 42 were rejected under 35 U.S.C. §103(a) as being unpatentable over Mashinsky and further in view of allegedly well-known prior art. Dependent Claims 10, 14, 24, 28, 38, and 42 are allowable over the prior art of record for at least the same reasons presented above for the patentability of independent Claim 1. Further, dependent Claims 10, 14, 24, 28, 38, and 42 recite additional patentable features. The alleged well-known prior art does not teach the newly added limitations to Applicants' independent Claims 1, 15 and 29 and therefore does not address the deficiencies of Mashinsky.

Specifically, dependent Claim 10 recites "step (b2) and (b3) are executed in following condition: subscribers which carry out cell handover send said handover requests for accessing

said different wireless communication schemes.” Applicants respectfully request that the Examiner refer to specific prior art that addresses the limitations of dependent Claim 10 in conjunction with the base claim and any intervening claims, as well as the similar limitations recited by dependent Claims 14, 24, 28, 38, and 42. Notwithstanding the Examiner’s remarks with respect to alleged well-known prior art, the withdrawal of the rejection under 35 U.S.C. §103(a) with respect to dependent Claims 10, 14, 24, 28, 38, and 42, and allowance thereof is respectfully requested due to at least their dependence from independent Claims 1, 15 and 29.

In view of the foregoing, it is respectfully submitted that all the claims pending in this patent application are in condition for allowance. Reconsideration and allowance of all the claims are respectfully solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner contact the Applicants’ attorney, so that a mutually convenient date and time for a telephonic interview may be scheduled for resolving such issues as expeditiously as possible.

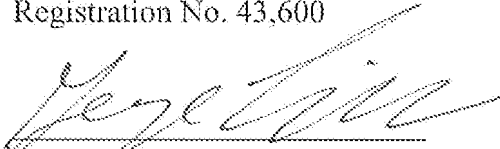
In the event there are any errors with respect to the fees for this response or any other papers related to this response, the Director is hereby given permission to charge any shortages and credit any overcharges of any fees required for this submission to Deposit Account No. 14-1270.

Respectfully submitted,

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